

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1957



ENROLLED

HOUSE BILL No. 361

(By Mr. Nyler & Miss Sullivan)



PASSED March 5 1957

In Effect From Passage



ENROLLED

# House Bill No. 361

(By MISS HALLANAN and MR. MYLES)

[Passed March 5, 1957; in effect from passage.]

AN ACT to amend and reenact sections one and two, article one, and section two, article two, all of chapter fifty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to persons liable to serve as jurors, persons exempt and persons disqualified from serving on juries; and preparation of grand jury list, qualifications of grand jurors, preparation of ballots, and custody of such lists and ballots.

*Be it enacted by the Legislature of West Virginia:*

That sections one and two, article one, and section two, article two, all of chapter fifty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**Article 1. Petit Juries.**

Section 1. *Persons Liable to Service.*—All persons, who

2 are twenty-one years of age and not over sixty-five, and  
3 who are citizens of this state, shall be liable to serve as  
4 jurors, except as hereinafter provided.

Sec. 2. *Exemptions and Disqualifications.*—The judge  
2 of any court may, in his discretion, exempt or excuse any  
3 person from jury service when it appears that such service  
4 would be improper or work an undue hardship. The fol-  
5 lowing persons shall be disqualified from serving on  
6 juries: Idiots, lunatics, paupers, vagabonds, habitual  
7 drunkards, and persons convicted of infamous crimes.

#### **Article 2. Grand Juries.**

Section 2. *Preparation of Jury List; Qualifications of*  
2 *Jurors; Ballots; Custody of List and Ballots.*—The jury  
3 commissioners appointed under the provisions of section  
4 three of article one of this chapter shall select and draw  
5 persons for grand juries. Such commissioners shall, at  
6 the levy term of the county court each year, and at any  
7 other time when required by the court which appointed  
8 them, or the judge thereof in vacation, prepare a list of  
9 not less than one hundred nor more than two hundred  
10 qualified persons of their county for grand jury service,

11 chosen from the respective magisterial districts thereof,  
12 as nearly as may be in proportion to the population of the  
13 districts. The lists so prepared shall be submitted to the  
14 clerk of the court authorized to impanel a grand jury, or  
15 the judge thereof when required, and the name of any  
16 person who is not qualified shall be stricken from the list  
17 by the clerk or judge. The persons so listed shall be of  
18 good moral character, who have never been convicted of  
19 a felony or of any scandalous offense; and shall have been  
20 bona fide citizens of the state and county for at least one  
21 year immediately preceding the preparation of the list,  
22 and shall not be office holders under the laws of the United  
23 States or of this state. At the time such jury list is made  
24 up, the jury commissioners shall cause all the names  
25 thereon to be written, each on a separate ballot, and shall  
26 fold, roll or prepare the same so as to resemble each other  
27 as nearly as may be, and so that the name written thereon  
28 shall not be visible on the outside, and shall inclose the  
29 ballots for each magisterial district in a separate envelope  
30 indorsed with the name of the magisterial district and the  
31 number of ballots inclosed, and shall deposit all the ballots,

32 with the list, in a secure box to be prepared for the pur-  
33 pose, which shall be delivered to and safely kept by the  
34 clerk of the circuit court, and shall be known as the  
35 "grand jury box" and shall be opened only by the jury  
36 commissioners or by order of the judge of the court having  
37 control thereof.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*E. B. B. B.*  
Chairman Senate Committee

*R. F. Deem*  
Chairman House Committee

Originated in the House of Delegates

Takes effect *from* passage.

*J. Howard Keyser*  
Clerk of the Senate

*C. B. Blankenship*  
Clerk of the House of Delegates

*Ralph J. Bean*  
President of the Senate

*W. B. Henry*  
Speaker, House of Delegates

The within *approved* this the *14th*

day of *March* 1957.

*Lea J. Huderwood*  
Governor



Filed in the Office of the Secretary of State  
of West Virginia. **MAR 14 1957**

D. PITT O'BRIEN  
SECRETARY OF STATE